

RESOLUTION APPROVING ZONING PETITION EAC82-111(C)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF REDEMPTION EVANGELICAL LUTHERAN CHURCH  
BY DAVID CARPENTER, AGENT  
(REL CHURCH)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC82-111(C) was presented to the Board of County Commissioners at a public hearing conducted on September 26, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC82-111(C), the petition of Redemption Evangelical Lutheran Church, by David Carpenter, agent, for a Development Order Amendment (DOA) to delete Condition 2 of Resolution R-85-647, which required the closing of the access point on Belvedere Road, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 26, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 1996.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION:**

**Parcel A:** The North **245** ft. of Tract **3**, Block **6**, together with the East **220** ft. of Tract **3**, Block **6**, **Less** the North **245** feet **and** the South **198** feet thereof, both **as shown** on the plat of **PALM BEACH FARMS COMPANY'S PLAT NO. 3** recorded in Plat **Book 2, Page 46**, Palm Beach County Public Records.

**Less** the West **300** ft of that part of the North **245** ft. of said Tract **3**, lying **East** of Pike Rd., subject to L.W.D.D. R/W.

**Parcel B:** The West **300** ft. of that part of the North **245** ft. of said Tract **3**, Block **6**, lying East of Pike Rd. Palm Beach Farms Co's Plat **No. 3**, Plat **Book 2**, Page **46**, Palm Beach County Public Records, less the W. **15'** as R/W for Pike Rd.

**Parcel C:** The South **17** feet of the North **262** feet of Tract **3**, Block **6**, less the **East 220** feet thereof, as shown on the Plat of Palm Beach Farms Company's Plat **No. 3**, Plat **Book 2**, Page **46**, Palm Beach County Public Records **Less the W. 15 ft. as R/W for Pike Rd.**

**FLOOD ZONE:**

**This property is located in Flood Zone B.**



EXHIBIT C

CONDITIONS OF APPROVAL

**NOTE:** All previous conditions of approval are shown in **BOLD** and will **be** carried forward with this petition unless expressly modified. ( Note: Petition 82-111(B) was withdrawn)

**A. ALL PETITIONS**

1. Condition 7 of Resolution R-83-113, Petition 82-111, which currently states:

**All conditions under Petition Yo. 76-163, as approved, are to be adhered to under this approval.**

Is hereby deleted. [REASON: superseded by new condition]

2. Condition 7 of Resolution R-83-113, Petition 82-111(A), which currently states:

**The developer shall comply with all previously imposed conditions of Petition Yo. 82-111, not modified or amended by this petition.**

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-85-647 (Petition 82-111(A)), R-83-113 (Petition 82-111) and R-77-135 (Petition 76-163), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: XONITORING-Zoning)

3. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated July 17, 1996). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

**B. SITE DESIGN**

1. **Access to the sit8 over the Lake Worth Drainage District Canal L-3 shall be constructed and designed by the Developer, to accommodate twenty (20) tone fire apparatus.** (Previously Condition 1 of Resolution R-77-135, Petition 76-163) (DRC: ZONING)
2. **Prior to certification by Site Plan Review Committee the site plan shall be corrected to reflect the required parking and circulation dimensions.** (Previously Condition 5 of Resolution R-83-113, Petition 82-111(A)) (DRC: ZONING)
3. **Prior to certification by Sit8 Plan Review Committee, tho Petitioner shall amend the site plan to reflect paved parking or variance relief shall be obtained from the Board of Adjustment.** (Previously Condition 6 of Resolution R-83-113, Petition 82-111(A)) (DRC: ZONING)

C. **ERM**

1. Developer shall coordinate the preservation of trees on the site, with the Palm Beach County Planning Department's Urban Forester. (Previously Condition 1 of Resolution R-77-135, Petition 76-163) (DRC:ERM)
2. The developer shall preserve significant native vegetation. (Previously Condition 1 of Resolution R-83-113, Petition 82-111) (DRC:ERM)

D. **LAKE WORTH DRAINAGE DISTRICT**

1. The developer shall convey to Lake Worth Drainage District the North 50.00 feet of Tract 3, Block 6, according to the Plat of the Palm Beach Parris Company Plat No. 3, recorded in Plat Book 2, Pages 45 to 54 inclusive for the right-of-way for Lateral Canal No. 3 on forms acceptable to the district. (Previously Condition 8 of Resolution R-83-113, Petition 82-111) (DRC: ZONING - Engineering)

E. **ENGINEERING**

1. Prior to site plan approval the Developer shall convey to Palm Beach County, thirty (30) feet from centerline for the right-of-way for Pike Road. (Previously Condition 2 of Resolution R-77-135, Petition 76-163) (DRC: ENG)
2. Condition 2 of Resolution R-83-113, Petition 82-111, which currently states:

The developer shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [REASON: code requirement]

3. Condition 3 of Resolution R-83-113, Petition 82-111 which currently states:

The construction of a left turn lane east approach on Belvedere Road at the project's entrance road will be required prior to the issuance of a Certificate of Occupancy.

Is hereby deleted. [REASON: Belvedere Road constructed with no median opening]

4. The developer shall contribute the sum of One Thousand Two Hundred and Fifteen Dollars (\$1,215.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the rate of \$.20 per square foot at the time of issuance of the Building Permits(s). (Previously Condition 4 of Resolution R-83-113, Petition 82-111) (ENG) (BLDG PERMIT; ENG)
5. The developer shall pay a pro rata cost of the construction of a left turn lane at the intersection of Pike Road and Belvedere Road. The amount of \$7,143.00 shall be paid to Palm Beach County within 6 months of Special Exception Approval. (Previously Condition 1 of Resolution R-85-647, Petition 82-111(A)) (DATE: ENG)

6. Condition 2 of Resolution R-85-647, Petition 82-111(A), which currently states:

**The developer shall remove all existing access pavement, for a distance of 5 feet south of the existing paved roadway, within the right of way of Belvedere Road and restore this area with material approved by the County Engineer.**

Is hereby deleted. [REASON: subject of this petition]

7. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Pike Road, 40 feet from centerline along the project's entire frontage, free **of** all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections **as** determined by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

#### F. HEALTH

1. Condition 5 of Resolution R-83-113, Petition 82-111, which currently states:

**The developer shall take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.**

Is hereby deleted. [REASON: superseded by new condition]

2. Condition 6 of Resolution R-83-113, Petition 82-111, which currently states:

**The developer shall take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.**

Is hereby deleted. [REASON: superseded by new condition]

3. Reasonable precautions shall **be** exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previously Condition 3 of Resolution R-85-647, Petition 82-111(A)), (ONGOING: HEALTH)

4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previously Condition 4 of Resolution R-85-647, Petition 82-111(A)). (ONGOING: HEALTH)

#### G. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ: of certiorari to the Fifteenth Judicial Circuit.  
(MONITORING)